

109TH CONGRESS
2D SESSION

S. 2239

To prohibit offshore drilling on the outer Continental Shelf off the State of Florida, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2006

Mr. MARTINEZ (for himself and Mr. NELSON of Florida) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To prohibit offshore drilling on the outer Continental Shelf off the State of Florida, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Permanent Protection
5 for Florida Act of 2006”.

6 **SEC. 2. PROHIBITION ON OIL AND GAS PRODUCTION IN**
7 **FLORIDA EXCLUSION ZONE.**

8 The Outer Continental Shelf Lands Act is amended
9 by inserting after section 8 (43 U.S.C. 1337) the fol-
10 lowing:

1 **“SEC. 8A. PROHIBITION ON OIL AND GAS PRODUCTION IN**
2 **FLORIDA EXCLUSION ZONE.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) FLORIDA EXCLUSION ZONE.—The term
5 ‘Florida exclusion zone’ means the area located—

6 “(A) east of the red line (as depicted on
7 the Minerals Management Service map entitled
8 ‘Florida Map 1’, dated January 23, 2006);

9 “(B) 25 miles west of the Military Mission
10 Line (as depicted on the Minerals Management
11 Service map entitled ‘Florida Map 1’, dated
12 January 23, 2006);

13 “(C) 150 miles off the Florida Panhandle,
14 including the area commonly known as the
15 ‘Stovepipe’ in the 181 Area in the Gulf of Mex-
16 ico;

17 “(D) the Straits of Florida planning area;
18 and

19 “(E) 150 miles off the Florida east coast
20 that extends from the Straits of the Florida
21 planning area to the Florida-Georgia border.

22 “(2) MILITARY MISSION LINE.—The term ‘Mili-
23 tary Mission Line’ means—

24 “(A) the 86°41’ north-south line of lon-
25 gitude; or

1 “(B) a line not more than 25 miles west
 2 of the line described in subparagraph (1), as
 3 determined by the Secretary of Defense during
 4 the 5-year period beginning on the date of en-
 5 actment of this section.

6 “(3) NON-PRODUCING LEASE.—The term ‘non-
 7 producing lease’ means a lease for the production of
 8 oil, natural gas, or any other mineral in the Florida
 9 exclusion zone that is in existence and in good
 10 standing on the date of enactment of this section.

11 “(b) EXCLUSION ZONE.—

12 “(1) IN GENERAL.—Notwithstanding any other
 13 provision of law, the Secretary shall not issue a lease
 14 for the exploration, development, or production of
 15 oil, natural gas, or any other mineral in the Florida
 16 exclusion zone.

17 “(2) GREAT LAKES.—It is the sense of Con-
 18 gress that States are encouraged not to issue a per-
 19 mit or lease for new oil and natural gas slant, direc-
 20 tional, or offshore drilling in or under any of the
 21 Great Lakes (as described in section 386 of the En-
 22 ergy Policy Act of 2005 (42 U.S.C. 15941)).

23 “(3) APPLICATION.—This subsection applies
 24 to—

25 “(A) a non-producing lease; and

1 “(B) a non-producing lease that would oth-
2 erwise be entered into on or after the date of
3 enactment of this section.

4 “(c) WITHDRAWAL.—The Florida exclusion zone is
5 withdrawn from—

6 “(1) any outer Continental Shelf protraction
7 diagram prepared by the Minerals Management
8 Service; and

9 “(2) consideration for inclusion in any 5-year
10 outer Continental Shelf leasing program of the De-
11 partment of the Interior.

12 “(d) RELINQUISHMENT OF CERTAIN LEASES.—

13 “(1) IN GENERAL.—Subject to paragraphs (2),
14 (3), and (4), any non-producing or similar lease that
15 is suspended on the date of enactment of this section
16 in the Eastern planning area of the Gulf of Mexico
17 (other than Lease Sale 181, as identified in the final
18 outer Continental Shelf 5-Year Oil and Gas Leasing
19 Program for 2002–2007) that is active, non-pro-
20 ducing, or in suspension as of the date of enactment
21 of this section is relinquished and abandoned in ex-
22 change for royalty forgiveness for revenue streams
23 owed by oil and gas lessees producing on that date
24 in the Central and Western planning areas of the
25 Gulf of Mexico.

1 “(2) RESTORATION OF LEASED SEA FLOOR.—A
2 lessee of a relinquished and abandoned lease shall—

3 “(A) remove all existing boreholes,
4 wellheads, and ancillary equipment located on
5 the leased sea floor; and

6 “(B) restore the sea floor as nearly as
7 practicable to pre-lease condition.

8 “(3) INELIGIBLE LESSEE.—A lessee of a relin-
9 quished and abandoned lease is ineligible for royalty
10 forgiveness if the lease involves—

11 “(A) an outer Continental Shelf tract in
12 the Central or Western planning area of the
13 Gulf of Mexico subject to royalty deferrals or
14 royalty forgiveness pursuant to—

15 “(i) the notice of proposed rulemaking
16 entitled ‘Relief or Reduction in Royalty
17 Rates—Deep Gas Provisions’ (68 Fed.
18 Reg. 14868); or

19 “(ii) any other Federal law (including
20 regulations);

21 “(B) an outer Continental Shelf tract lo-
22 cated within the boundaries of the Flower Gar-
23 den Banks National Marine Sanctuary; or

24 “(C) any outer Continental Shelf tract lo-
25 cated outside the boundaries of the Florida ex-

1 clusion zone and within the Eastern planning
2 area of the Gulf of Mexico.

3 “(4) WAIVER OF RENTS AND ROYALTIES.—

4 “(A) IN GENERAL.—The Secretary shall
5 allow an eligible lessee covered by paragraph
6 (1) to withhold from payment any royalty or
7 rent due to the United States under this Act.

8 “(B) JUDICIAL REVIEW.—Any disagree-
9 ment between an eligible lessee and the Sec-
10 retary regarding the amount of royalty or rent
11 forgiveness described in subparagraph (A) shall
12 be subject to judicial review.

13 “(e) ADMINISTRATION.—

14 “(1) OTHER SECTIONS OF ACT.—Beginning on
15 the date of enactment of this section, other sections
16 of this Act shall not apply to—

17 “(A) any area in which leasing is prohib-
18 ited under subsection (b);

19 “(B) any area that is withdrawn under
20 subsection (c); or

21 “(C) any area subject to a lease that is re-
22 linquished under subsection (d).

23 “(2) INVENTORY.—The areas described in sub-
24 paragraphs (A), (B), and (C) of paragraph (1), as
25 well as the areas currently under moratorium in the

1 outer Continental Shelf and the areas protected by
2 the document entitled ‘Memorandum on Withdrawal
3 of Certain Areas of the United States Outer Conti-
4 nental Shelf from Leasing Disposition’ (34 Weekly
5 Comp. Pres. Doc. 1111, dated June 12, 1998), shall
6 not be subject to an inventory conducted under sec-
7 tion 357 of the Energy Policy Act of 2005 (42
8 U.S.C. 15912).

9 “(3) NATIONAL MARINE SANCTUARY.—Nothing
10 in this section precludes the Secretary of Commerce,
11 acting through the Director of the National Marine
12 Sanctuary Program, from considering any portion of
13 the Florida exclusion zone for designation as a ma-
14 rine sanctuary under the Marine Protection, Re-
15 search, and Sanctuaries Act of 1972 (33 U.S.C.
16 1401 et seq.) (commonly known as the ‘Ocean
17 Dumping Act’).

18 “(4) MAINTENANCE AND REPAIR OF EXISTING
19 PIPELINES.—Nothing in this section precludes—

20 “(A) the inspection, monitoring, or repair
21 of pre-existing subsea oil and natural gas pipe-
22 lines under Federal law (including regulations)
23 pertaining to pipeline safety and environmental
24 protection; or

1 “(B) the replacement in situ of preexisting
 2 subsea oil or natural gas pipelines under that
 3 Federal law.

4 “(5) COMMERCIAL AND SPORT FISHING.—Noth-
 5 ing in this section affects any regulation or manage-
 6 ment of commercial or sport fishing, or routine oper-
 7 ation or transit of fishing or recreational vessels,
 8 within the Florida exclusion zone.

9 “(6) MILITARY ACTIVITIES.—Nothing in this
 10 section limits any military ship, submarine, aircraft,
 11 or amphibious vessel activity conducted as part of—

12 “(A) military exercises;

13 “(B) routine transit;

14 “(C) military preparedness; or

15 “(D) rescue operations.

16 “(f) CONDITIONS FOR LEASING IN OTHER AREAS.—

17 “(1) IN GENERAL.—With respect to Federal
 18 leasing on the outer Continental Shelf in the areas
 19 described in paragraph (2)—

20 “(A) each individual lease sale shall be
 21 subject to the review process under the Na-
 22 tional Environmental Policy Act of 1969 (42
 23 U.S.C. 4321 et seq.), including the completion
 24 of an environmental impact statement for the
 25 lease sale; and

1 “(B) all pre-lease and leasing activities
2 shall proceed only if best available and safest
3 technologies, as described in 21(b), are required
4 for all phases of operations.

5 “(2) DESCRIPTION OF AREAS.—The areas re-
6 ferred to in paragraph (1) are areas on the outer
7 Continental Shelf that—

8 “(A) are not specifically covered by this
9 Act; and

10 “(B)(i) are not located within the pro-
11 tected waters of the Florida Exclusion Zone;

12 “(ii) are not protected by the document en-
13 titled ‘Memorandum on Withdrawal of Certain
14 Areas of the United States Outer Continental
15 Shelf from Leasing Disposition’ (34 Weekly
16 Comp. Pres. Doc. 1111, dated June 12, 1998);
17 or

18 “(iii) are not located within any other fed-
19 erally protected area.”.

20 **SEC. 3. EXTENSION OF DEFERRAL.**

21 Notwithstanding the document entitled “Memo-
22 randum on Withdrawal of Certain Areas of the United
23 States Outer Continental Shelf from Leasing Disposition
24 (34 Weekly Comp. Pres. Doc. 1111, dated June 12,
25 1998)”, the expiration date for the withdrawal of areas

1 of the outer Continental Shelf described in the first para-
2 graph of that Memorandum shall be extended until June
3 30, 2020.

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